

### REMARKS

The Office examined claims 1-29, rejected claims 1-21 and 28, and objected to claims 22-27 and 29. With this paper, claims 2, 20, 22-25 and 29 are amended, new claims 33-39 are added, and none of the claims are canceled. The application now includes 36 claims.

#### Claim Rejections under 35 USC §112

Claims 2 and 19 are rejected because there is insufficient antecedent basis for the limitation “the mobile station”. With this paper, the limitation “the mobile station” in claim 2 is amended to read as “the user terminal”. Claim 19, which does not contain such limitation, is not amended. However, claims 20, 22-25 are amended to replace the limitation “the mobile station” with “the user terminal”. It is believed that the amendment overcomes the rejections under 35 USC §112. The applicant respectfully requests the rejections be reconsidered and withdrawn.

#### Claim Rejections under 35 USC §102

The Office rejected claims 1-5, 7-11, 15, 19-20 and 28 under 35 USC §102(b) as being anticipated by Van den Heuvel *et al.* (U.S. Patent No. 6,223,030).

Claim 1 recites a method of establishing a connection in a telecommunications system. As recited, in the telecommunications system an intermediate network provides for communications between a user terminal and one or more of a plurality of serving network entities each capable of providing communications services to the user terminal by means of at least one telecommunications protocol. The method comprising the steps of: (1) the intermediate network transmitting to the user terminal an indication of the serving network entities and the communications services provided by each one, and (2) the user terminal selecting one or more of the communication services. (Emphasis added.)

Claim 28 is a corresponding device claim for claim 1.

Regarding claim 1, the Examiner suggests that the intermediate network of claim 1 reads on the common communication system 19 of Van den Heuvel, and the serving network entities of claim 1 reads on the other communication systems 11-17 of Van den Heuvel. The following passages of Van den Heuvel are referred to by the Examiner (Col. 2, lines 50-58):

In FIG. 1, a subscriber unit 20 is seeking access to one of the communication systems in network 10. To accomplish this access, subscriber unit 20 will first access common communication system 19 using a channel 21. Common communication system 19 will reply to subscriber unit 20 with a list of systems available for use in network 10. Along with the list of available systems, system 19 may also provide information on types of features available and on system costs.

Once subscriber unit 20 has determined which system it desires to utilize, it will make a request to common communication system 19 and receive an enabling program for the selected communication system. Subscriber unit 20 will then open a channel 22 with the selected communication system-.

Based on the following reasons, the applicant respectfully disagrees with the Examiner's assertion.

First, according to Van den Heuvel, in a communications network, a common communication system 19 is provided that is able to transmit a list of other available communications systems 11-17 to a subscriber unit 20 (i.e. user terminal). Once the subscriber unit 20 has determined which system it desires to utilize, it will make a request to common communication system 19 and receive an enabling program for the selected communication system. Subscriber unit 20 will then open a direct channel with the selected communication system.

One of the limitations of claim 1 is that, "an intermediate network provides for communications between a user terminal and one or more of a plurality of serving network entities ... ." This means that, the intermediate network is responsible for providing communications between a user terminal and one or more serving network entities. In other words, the user terminal does not communicate directly with the serving network entities. Therefore, claim 1 is different from Van den Heuvel.

Second, Van den Heuvel teaches that a subscriber unit seeks access to one of the communication systems in a network. To accomplish this access, the subscriber unit first accesses a common communication system. The common communication system replies to the subscriber unit with a list of systems available for use in the network. The subscriber unit selects which system it wants to utilize and receives an enabling program from the common communication system that configures the subscriber unit for use with the selected system and allows the subscriber unit to communicate directly with that system. It is not possible to use services provided by different network entities at the same time. Besides, the subscriber unit must be pre-programmed to support the air interfaces of those networks or must be programmable over the air to support them (Col. 3, lines 27-39).

In contrast, the present invention calls for an intermediate network to transmit an indication of available serving network entities and services provided by each entity to a user terminal, and for the user terminal to select one or more of the communication services it wishes to use. The user terminal uses these communication services through the intermediate network. This enables a user terminal to access one or more network entities supporting different protocols via a common air interface. There is no requirement of using different programs for different protocols. By using the intermediate network, the user terminal can access one or more of the network entities to utilize services provided by the entities, without having to support multiple air interfaces and without being reprogrammed.

Further with regard to claim 1, the objects of Van den Heuvel and of the present invention are entirely opposite. The object of Van den Heuvel is to inform the subscriber unit 20 of the different air interfaces available by which it may establish a connection to networks that support different protocols (e.g. GSM system 12 and UMTS system 14). The subscriber unit must be pre-programmed to support the air interfaces of those networks or must be programmable over the air to support them (Van den Heuvel at column 3, lines 27-39). In contrast, (and referring to figure 2 of the present application) the present invention can permit network entities 23, which can support different protocols, to be accessed over a common air interface. This is achieved by the intermediate network 22 etc. providing for communication between the network entities 23 and the user terminal 20. By this means, the user terminal can

access one or more of the network entities to communicate using a desired protocol without having to support multiple air interfaces and without being reprogrammed. Therefore, the present application is inventive over Van den Heuvel.

For the above reasons, the applicant submits that claim 1 is distinguishable from the teachings of Van den Heuvel, and so is the corresponding device claim 28. The applicant, therefore, respectfully requests the rejection of claims 1 and 28 be reconsidered and withdrawn.

In addition, dependent claims 2-5, 7-11, 15, and 19-20 are also considered patentable based on the reasons provided above and in view of their dependency to claim 1. The applicant therefore respectfully requests that the rejection on these claims be reconsidered and withdrawn.

#### Claim Rejections under 35 USC §103

The Office rejected claims 6, 12-14, 16-18 and 21 under 35 USC §103(a) as being unpatentable over Van Den Heuvel *et al* in view of Korpela (U.S. Patent No. 6,801,786).

Respectfully, the applicant would like to point out that Korpela is not a reference under either USC §102(e) or 102(a). Korpela is not a reference under 102(a) because its publication date is after the date of priority claimed by the present application. Although Korpela was filed as a PCT application prior to the present application's priority date, the PCT application (of Korpela) was filed before AIPA became effective (on 29 Nov. 2000) and so it can be used as prior art only as of its 371 date, i.e. Dec. 14, 2000, which is after the priority date of the present application.

The applicant respectfully requests that the rejections of claim 6, 12-14, 16-18 and 21 under USC §103(a) be reconsidered and withdrawn.

Allowable Subject Matter

The Examiner indicates that claims 22-27 and 29 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With this paper, claim 22 is amended to incorporate limitations of claim 1 so as to become an independent claim. Claims 23-27 are originally dependent from claim 22 and they remain as dependent claims from same. Claim 29 is amended to incorporate limitations of claim 28 so as to become an independent claim.

The applicant respectfully requests the objections to claims 22-27 and 29 be withdrawn and the claims be allowed.

New Claims

New claims 33-39 are added to the application. Independent claims 33, 36, 38 and 39 all have same patentable limitations as claim 1. Therefore, these claims, and dependent claims thereupon, are believed to be allowable in view of the reasons presented above.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are now in condition for allowance, and their passage to issue is earnestly solicited. Applicants' agent urges the Examiner to call to discuss the present response if there are any questions.

Respectfully submitted,



Date: *August 8, 2005*

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